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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,528	12/03/2003	Yoshiki Uchida	03630.000206.1	3206
5514	7590	08/25/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			BAYAT, ALI	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/725,528	Applicant(s) UCHIDA, YOSHIKI	
	Examiner Ali Bayat	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7 and 9-11 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/20/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5-6 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLeod et al. (U.S. 5,778,092) in view of Miyazaki et al. (U.S. 5,684,600).

In regard to claim 1 McLeod provides for an image processing method, comprising: inputting pixel data of an image (Fig.1 element 101:Performing block selection processing on the pixel data to determine types of pixels within the image (Fig.1 24c col.14 lines 30-40 see foreground (text) and background (half-tone); determining, based on the block selection processing (Fig.1 element 105), if a pixel is in an object area of the image (col.5 lines 17-21 see the differences between Fig.'s 2 and 5 in text area); although McLeod provides for block selection processing (Fig.1 element 105) MacLeod does not specifically provide for performing black character determination processing on the pixel . Miyazaki provides for performing black character determination processing on the pixel (Fig.3 element 11 col.4 lines 20-22).

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The prior art of MacLeod and Miyazaki are combinable because they are from the same field of endeavor (image processing). At time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Miyazaki for modifying the system and method of MacLeod. Because since the pixel color determining circuit 12a determines black from the three primary colors, i.e. red, green and blue, black which is represented by the numeric data being all 0 is difficult to determine according to noises and background colors, so that it is impossible to consummately find black. Such problems are typical not only of color copy outputs of color copying machines but also of color print outputs of video printers and CAD systems (col.2 lines 52-60).

As to claims 5 and 9 see claim 1 above. They recite similar limitations as claim 1. Hence they are similarly analyzed and rejected.

With regard to claims 2, 6 and 10 McLeod provides for a method and an apparatus wherein, the inputting step comprises: a pre-scanning step to input pixel data of a first resolution (col.1 lines 49-60 see reduced-resolution which corresponds to first resolution); and scanning step to input pixel data of a second resolution, the second resolution higher than the first resolution (col.1 lines 49-60 see high-resolution binary selector plane which corresponds to second resolution), wherein the block selection processing is performed on the pixel data of the first resolution (col.1 lines 51-53 note foreground item such as text), and wherein the detecting is performed on the pixel data of the second resolution(col.1 lines 49-60 see high-resolution binary selector plane which corresponds to second resolution) .

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2. Claims 3,7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLeod et al. (U.S. 5,778,092) in view of Miyazaki et al. (U.S. 5,684,600) and further in view of Ida et al. (U.S. 6,275,615).

As to claims 3, 7 and 11 McLeod provides for detecting proximity of an edge to the pixel (col.6 lines 37-43) but does not specifically provide for "black character determination processing, detecting a thickness of a character, detecting chromaticity of the pixel" however in the same field of endeavor Miyazaki provides for black character determination processing (Fig.3 element 11 col.4 lines 20-22) and detecting chromaticity of the pixel (Fig.5 element 36 col.4 lines 50-60, note whether the color is chromatic or achromatic which correspond to chromaticity), further Ida provides for detecting a thickness of a character (col.35 lines 59-63). The prior art of Ida are combinable with prior art of MacLeod, as modified by Miyazaki, because they are from the same field of endeavor (detecting feature patterns of characters or graphics). At time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Idea for modifying the system and method of MacLeod, as modified by Miyazaki. Because the measures of the input signals are obtained in each of a plurality of the set scales; and the proper sizes of the input signals are obtained on the basis of the obtained measures. Therefore, being different from the conventional method, it is unnecessary to execute the image segmentation, so that the signal feature pattern size can be detected easily (col.14 lines 39-47).

Other Cited References

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent 6,307,962 to Parker et al. is cited for document data compression system, which automatically segments documents and generates compressed smart documents therefrom.

U.S. patent 6,356,655 to Sumikawa et al. is cited for apparatus and method of bitmap image processing, storage medium storing and image processing program.

U.S. patent 5,854,854 to Cullen et al. is cited for skew detection and correction of a document image representation.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 703-306-5915.

The examiner can normally be reached on M-Thur 9:00-7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-3085246. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5631.

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Ali Bayat *AB*
Patent examiner
Group Art Unit 2625
8/20/04



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SUPERVISORY PATENT EXAMINER
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